

BOARD OF GOVERNORS OF CONCORDIA UNIVERSITY

MINUTES OF THE OPEN SESSION **OF THE MEETING OF THE BOARD OF GOVERNORS**

Held on Wednesday, 23 September 1992, immediately following the Closed Session,
in Room GM 407-1, SGW Campus

Attendance

Present: Me A. Gervais, Chairman, Mr. B. Aune, Ms. L. Brodrick, Dr. R.M.H. Cheng, Ms. M. Donaldson, Mr. J.N. Economides, Dr. L. Ellen, The Hon. A.B. Gold, Chancellor, Mr. R.K. Groome, Prof. G. Gross, Dr. H. Habib, Mr. P. Howlett, Mr. P. Ivanier, Mr. N. Kaminaris, Dr. P. Kenniff, Rector, Dr. V.H. Kirpalani, Mr. R. Laughlin, Mr. R. Lawless, Me G. Lengvari, Sister E. McIlwaine, Ph.D., Mr. D.W. McNaughton, Ms. C. Nero, Ms. S. O'Connell, Dr. R.H. Pallen, Mr. R. Renaud, Ms. M. Roland, Mr. H. Santos, Mr. J.H. Smith, Mr. R. Synning, Mr. G. Vézina, Ms. S. Woods

Officers of the University:

Dr. C.L. Bertrand, Dr. M. Cohen, Me B. Gaudet

Absent: Mr. A. Benedetti, Dr. M. Brian, Mr. D. D'Alessandro, Mr. H. Farias, Mr. F. Knowles, Mr. W.W. Stinson, Mr. C.I. Taylor, Me M. Vennat, Dr. R. Sheinin

DOCUMENTS CONSIDERED AND ATTACHED TO THESE MINUTES:

BG-92-8-D64 Proposed revisions to membership of Standing Committees
BG-92-9-D65 Article 30 of the Concordia University By-Laws
BG-92-8-D66 Explanatory note re: Appeals from Hearing Board decisions
BG-92-8-D67 Hearing Board decision, #NCA-JR-040
BG-92-8-D68 Hearing Board decision, #NCA-JR-039
BG-92-8-D69 Request for permission to appeal Hearing Board decision #NCA-JR- 040, from Dr. S.V. Hoa
BG-92-8-D70 Request for permission to appeal Hearing Board decision #NCA-JR- 040, from Dr. S. Sankar, Dr. M.O.M. Osman, Dr. S. Lin
BG-92-8-D71 Request for permission to appeal Hearing Board decision #NCA-JR- 039, from Dr. P. Kenniff on behalf of the University
BG-92-8-D72 Letter from the Ministère des Transports concerning expropriation of the Island of Wight
BG-92-8-D73 Report by a Chartered Appraiser re: Island of Wight
BG-92-8-D74 Avis d'Expropriation, Island of Wight
BG-92-8-D75 Offre détaillée, Island of Wight

BG-92-8-D76 Letter from Mr. Michael Di Grappa attesting decision of the Real Estate Planning Committee to recommend the purchase of two parts of a lane in NDG
BG-92-8-D77 Letter to members of the Real Estate Planning Committee soliciting a vote on the above-mentioned purchase
BG-92-8-D78 Report of environmental assessment by Inspec-Sol Environnement Inc.
BG-92-8-D79 Draft Deed of sale by the City of Montréal to Concordia University
BG-92-8-D80 Letter from Mr. John Noonan advising of Senate nominations for membership on Graduation Ceremonies Committee
BG-92-8-D81 Letter of request to use the University's name by the Concordia Public Interest Research Group

Call to Order

The Open Session convened at 8:06 a.m.

1.1 Chairman's Remarks

The Chairman welcomed a group of observers which included academic deans and faculty members, including the Acting President of CUFA, Dr. June Chaikelson.

Me Gervais remarked that the meeting would be his last as Chairman. He spoke gratefully of the dedication and cooperation offered by members of the Board over the five years he had been in office, and observed that the University had passed certain milestones in that time. Among the tangible signs of Concordia's growth were the new J.W. O'Connell Building, the new Vanier Library on the Loyola Campus, a professional Concert Hall and the football stadium. And, notably, Concordia was achieving academic excellence in many areas.

The Chairman advised that Concordia should continue to focus on the relationship between its academic and administrative sides. He saw joint meetings of the Board and Senate as an important initiative certain to yield enduring benefits for the University. It had, he said, been an honour to serve the University as Chairman and one he thoroughly enjoyed.

1.2 Approval of the Agenda

The Agenda was approved subject to the following modifications: that two Real Estate issues, items #5 and #6, be advanced to precede item #3 because Mr. Ivanier, Chairman of the Real Estate Planning Committee, would be leaving the meeting early; and that one item (#10A) be added to appoint Mr. Groome Acting Chairman for a short interval.

1.3 Approval of the Minutes

Upon motion duly moved and seconded (Habib, Woods), it was unanimously
RESOLVED:

R92-80 THAT the Minutes of the Open Session of the previous regular meeting of the Board, held on [17 June 1992](#), be approved;

AND

THAT the Minutes of the Special Meeting of the Board, held on [31 August 1992](#), be approved.

2. Business arising from the Minutes

2.1 Adoption of changes in membership of Standing Committees

Upon motion duly moved and seconded (Groome, Kaminaris), it was unanimously RESOLVED:

R92-81 THAT the membership of the Standing Committees of the Board, as established by Resolution R92-75 on 17 June 1992, be modified as follows:

That Me George Lengvari be elected as Chairman of the Review Committee to replace Me Manon Vennat, and that she be removed from the Committee membership;

That Mr. Humberto Santos be removed from the membership of the Nominating Committee; and

That Mr. Humberto Santos be replaced by Mr. Alain Benedetti as Vice- Chairman of the Audit Committee, and that he be removed from the Committee membership.

5. Approval of the sale by the University of the Island of Wight to the Québec government, and signing authority therefor

It was explained that the Island of Wight, acquired by Loyola College in 1919 and sold to Sir George Williams University in 1974, had been expropriated by the Ministère de l'Environnement for the purpose of creating an ecological reserve, and the Government's offer of \$30,200 had been accepted.

Upon motion duly moved and seconded (Ivanier, Santos), it was unanimously RESOLVED:

R92-82 WHEREAS Concordia University is the owner of the Island of Wight, situated in the Ottawa River, in the county of Vaudreuil-Soulanges;
WHEREAS le Ministère de l'Environnement du Gouvernement du Québec has expropriated the Island of Wight for the purpose of creating an ecological reserve

and has issued a Notice of Expropriation to that effect;

AND

WHEREAS a chartered appraiser has assessed the value of the land and a favourable Offer to Purchase has been received from the Minister, all of the above as outlined in Documents BG-92-8-D72, D73, D74 and D75;

BE IT RESOLVED

THAT the Board of Governors approve the sale of the Island of Wight by Concordia University to the Ministère de l'Environnement du Québec for the sum of \$30,200;

AND

THAT any one of the Rector, the Vice-Rector, Services, and the Secretary-General, be authorized to sign, for and on behalf of the University, the Provisional Acquittance, the Deed of Transfer and Assignment, and any other document pertaining to the said transaction.

6. Approval of a Draft Deed of Sale by the City of Montréal to Concordia University, concerning parts of a lane adjacent to Belmore St. and Terrebonne St., and signing authority therefor

The Chairman of the Real Estate Planning Committee, Mr. Ivanier, explained that the proposed purchase had come to the Board in September 1991. At that time, the Board decided to postpone the purchase until the Committee had commissioned and evaluated an environmental assessment of the property. Mr. Ivanier reported that the outcome of the environmental assessment had been favourable and the Committee was recommending that Concordia proceed with the purchase.

Upon motion duly moved and seconded (Ivanier, Renaud), it was unanimously RESOLVED:

R92-83 WHEREAS the City of Montreal has discontinued public occupancy of a lane adjacent to Belmore Ave. in the N.D.G. district;

WHEREAS for the purpose of land assembly, the City of Montréal has agreed to sell to Concordia University two pieces of land which are part of the said lane, the whole for the sum of \$1.00;

AND

WHEREAS, following the execution of an environmental assessment of the property as required by Board resolution R91-81, approved on 16 October 1991, which found the soil on the property in question is not contaminated, the Real

Estate Planning Committee is recommending that the University proceed with the purchase of this property;

BE IT RESOLVED

THAT, on the recommendation of the Real Estate Planning Committee, the Board of Governors approve the purchase of two parts of the lane adjacent to Belmore St., situated behind 7075 and 7079 Terrebonne St., by Concordia University from the City of Montréal for the sum of \$1.00;

THAT the Draft Deed of Sale to be entered into between the City of Montréal and Concordia University, as outlined in Document BG-92-8-D79, be approved, subject to the terms and conditions contained therein, notably to the establishment by Concordia of a servitude in favour of the City of Montréal, for the installation, maintenance and operation of public utilities;

AND

THAT the Rector and Vice-Chancellor, Dr. Patrick Kenniff, and the Vice-Rector, Services, Dr. Charles Bertrand, be authorized to sign the said Deed of Sale and any other documents related thereto, for and on behalf of Concordia University.

3. Report of the Chairman concerning the question of establishing an independent inquiry board to examine issues of scientific and academic integrity

Me Gervais reported on the meeting of the Executive Committee held on 15 September 1992, where issues concerning ethical conduct in academic research were discussed. At the Special Meeting of the Board held on 31 August 1992, there was discussion of initiating an independent inquiry into the events of 24 August. The Chairman assured the Board that an independent inquiry board to examine issues of scientific and academic integrity would be established as soon as feasible, but that on legal advice, it was decided that before proceeding, every assurance must be received that these inquiries would in no way prejudice legal proceedings in the courts.

In a progress report, Dr. Kenniff distinguished between two separate inquiries which were being developed: the first will investigate issues of academic and scientific integrity; the second will focus on existing policies and procedures dealing with disruptive behaviour and the resolution of differences, in the light of the events leading up to, and on, 24 August.

We are sensitive, the Rector said, to the potential consequences of any initiative taken at this juncture on criminal proceedings presently underway, as well as present and potential civil proceedings. At the urging of the Executive Committee, we should be extremely cautious and avoid any actions which could prejudice the criminal proceedings. We have retained legal counsel to advise us precisely on how to proceed.

Certain Governors asked how the University intends to communicate this rationale

internally and externally, to allay any possibility that, by delaying the investigation, the University might be seen as avoiding it. The Rector acknowledged that when he first announced to the media that the University would commission an external investigation, he was unaware of the legal constraints Concordia would face in the process. We are actively pursuing establishment of these inquiries, he said. The media's interest in the subject was evident and does not need to be solicited. Dr. Kenniff emphasized that the external inquiry would be postponed only as long as was absolutely necessary, and preliminary research could begin immediately. The University is proud of the Faculty of Engineering and Computer Science, esteemed nationally and internationally, and is eager to dispel the climate of suspicion and accusation created by V. Fabrikant's allegations.

Asked for how long a period the criminal proceedings might delay our inquiry, the Rector responded that, although it was impossible to give a precise answer, the delay could be rather short depending upon the advice of our lawyers.

4. Determination of requests for permission to appeal re: two decisions rendered by a Hearing Board in the case of complaints filed by V. Fabrikant

Dr. Kenniff outlined the situation which had resulted in the request that the Board utilize the superintending and reforming power conferred on it under Article 30 of the University By-Laws to revoke two decisions rendered by a Hearing Board. He explained that a Hearing Board established to hear two complaints by V. Fabrikant had found in his favour, resulting in sanctions obliging the respondents to publish apologies to V. Fabrikant and, in some cases, to pay fines. Each of the respondents had subsequently written to the Secretary-General seeking, from the Review Committee of the Board, permission to appeal these decisions.

The Board was being asked to intervene for these reasons: (i) the Code of Conduct (Non-Academic) does not anticipate, and cannot adequately address, exceptional circumstances as were presently being faced in this case; and (ii) it would be impossible to deal dispassionately with V. Fabrikant's complaints at this point in time.

Dr. Kenniff recommended approval of the proposed resolution with the following modification: that, in the final paragraph, the word "revoke" be replaced by "suspend", and the phrase "and declare the matter closed" be deleted. The decisions and appeals could be reconsidered at the appropriate time.

Upon motion duly moved and seconded (Kenniff, Kirpalani), it was CARRIED with two opposed and no abstentions:

R92-84 WHEREAS Valery Fabrikant filed two complaints under Article 2 of the Code of Conduct (Non-Academic) alleging violation of his rights: one against the administration of Concordia University, the second, against four faculty members, both of which were heard by a Hearing Board constituted for that purpose;

WHEREAS, in each of the two cases, the Hearing Board found in V. Fabrikant's favour and reprimanded the respondents; and three requests for permission to appeal these decisions of the Hearing Board were subsequently received by the

Secretary-General;

AND

WHEREAS V. Fabrikant is presently confined to Parthenais Detention Centre awaiting trial on three charges of murder and two of attempted murder;

WHEREAS such exceptional circumstances were not contemplated in the formulation of the appeal procedure under the Code of Conduct (Non-Academic);

AND

WHEREAS, under these exceptional circumstances, to follow the appeal procedure outlined in the Code of Conduct would lead to absurd consequences, and it is therefore necessary to seek an alternative course to that prescribed under the Code;

BE IT RESOLVED

THAT the Board, acting under the superintending and reforming power conferred on it by Article 30 of the University By-Laws, suspend two Hearing Board decisions, NCA-JR-040 dated 1 June 1992 (Board document BG-92-8-D67), and NCA-JR-039 dated 2 June 1992 (Board document BG-92-8-D68), in the matter of complaints filed by V. Fabrikant under the Code of Conduct (Non-Academic).

7. Election of three Senate representatives to the Graduation Ceremonies Committee for a one-year term

Upon motion duly moved and seconded (Kenniff, Aune), it was unanimously RESOLVED:

R92-85 THAT, on the recommendation of Senate, Prof. Maria Peluso and Prof. M.O.M. Osman be elected, and Dean Robert Parker be re-elected, to the Graduation Ceremonies Committee for a one-year term ending in September 1993.

8. Consent Agenda

8.1 Approval of a request by the Concordia University Public Interest Research Group (PIRG) to use the University's name

This request was postponed to the October meeting, pending the provision of more complete information by the student group involved.

9. Reports of the Standing Committees

9.1 Benefits Committee and Pension Committee

Mr. Lawless, Chairman of the Benefits Committee and the Pension Committee, reported

on the 6 August meeting of the Pension Committee, and the two Committees' meetings of 3 September 1992.

The Benefits Committee had approved the report submitted by Metropolitan Life, on the employees' Health Insurance program, and found the program was doing well. The Pension Committee had appointed the firm Brinson Partners, Inc. to handle a \$5 million investment in non-North American equity funds, in accordance with the laws governing pension fund investments. Mr. Lawless explained that there would be an initial instalment of \$2 million, to be followed by two equal instalments of \$1.5 million.

9.2 Executive Committee

Me Gervais, Chairman of the Executive Committee, informed the Board that the following matters were discussed at meetings held on 4 and 15 September 1992, to address issues raised during the 31 August 1992 Special Meeting of the Board: possible ways of assisting the families of the victims; review of safety measures and internal emergency communications; uncivil behaviour and harassment in the workplace; scope of desired investigations; consideration of appropriate memorials.

Me Gervais confirmed that numerous letters of sympathy had been received from institutions and individuals, and read two among them. In addition, he was pleased to read a letter from Dr. Ching Suen thanking the Board for its letter of congratulations on his receipt of a distinguished ITAC/NSERC award.

In a closing comment, the Chairman expressed his appreciation to the Chancellor, the two Vice-Chairmen, Mr. Groome and Mr. Taylor, Dr. Kenniff and the senior administration, including the Vice-Rectors and the Secretary General, for their constant support, good judgment and dedication.

Dr. Kirpalani moved a vote of thanks to Me Gervais for his excellent chairmanship of the Board over the previous five years.

Upon motion duly moved and seconded (Kirpalani, Pallen), it was unanimously
RESOLVED:

- R92-86 THAT the Board express its sincere thanks to Me P. André Gervais for his skilled and dedicated chairmanship of the Board of Governors of Concordia University from June 1987 until the present.

10. Progress report of the Ad Hoc Committee on the Revision of Rules and Procedures for Evaluation and Advisory Search Committees

Mr. Groome, Chairman of the Committee, reported that the Committee had met on four occasions since the last regular meeting of the Board: 9 July, 29 July, 26 August and 15 September 1992. Although considerable progress had been made, he said, the issues involved had proven to be quite complex. As chairman, he was guided by the principle that the Committee's conclusions should, as much as possible, have the full support of all

its members. Mr. Groome said the report may be complete by December. The Board was reminded that, pursuant to a Board resolution of June 1992, all Committee members were elected for the full duration of the Committee's work.

10(A). Appointment of Mr. Groome as Acting Chairman of the Board for the period of Me Gervais' absence

Me Gervais appointed Mr. Groome to replace him in his duties as Chairman of the Board for the interval following Me Gervais' departure to Europe and preceding the commencement of Mr. Groome's term as Chairman on 1 October 1992.

Upon motion duly moved and seconded (Kenniff, Brodrick), it was unanimously
RESOLVED:

R92-87 THAT Mr. Reginald K. Groome, O.C., be appointed Acting Chairman of the Board of Governors for the period 25 September 1992 to 30 September 1992, inclusive.

10.(B). Approval of a resolution of recognition and thanks to those whose actions provided help and support during the events of 24 August

Dr. Kenniff read the following motion, explaining that it would serve, if approved, as a first step toward recognizing the heroism and courage demonstrated by many individuals during the tragic events of 24 August. Me Gaudet added that names were not mentioned pending a more complete rendering of the facts, in order that no one is overlooked who merits recognition.

Upon motion duly moved and seconded (Kenniff, Woods), it was unanimously
RESOLVED:

R92-88 WHEREAS the Board is mindful that on the afternoon of Monday, 24 August 1992, when five people were shot on the ninth floor of the Hall Building on our downtown campus, there were many whose actions merit recognition: those who acted courageously to protect colleagues and friends, to spread information to caution others, or to get help; those who succeeded in subduing the gunman; all of those who, motivated by friendship or a sense of duty, acted boldly without calculating the risk to themselves;

AND

WHEREAS until the events of that afternoon and the following days have been revealed in their entirety, it will be impossible to enumerate all the acts of courage, consideration and acumen which make us proud and grateful to be a part of this community;

BE IT RESOLVED

THAT, as a first step toward recognizing these meritorious acts, the Board extend its deep appreciation and esteem to everyone who did so much to help in the

midst of these tragic events, and to those who continue to provide support and consolation to their colleagues.

11. Report of the Rector

The Rector's report addressed the following items:

(i) A press conference launching Concordia's campaign to ban handguns in Canada was held in the Hall Building on 22 September 1992; Dr. Kenniff urged everyone to do anything they could to further this initiative.

(ii) On the subject of disruptive behaviour, the Rector said that the University Intervention Team had, over the previous year, been occupied with drafting a policy to address this issue. He hoped that it would soon be brought forward for discussion. Dr. Kenniff cautioned that establishment of a policy would not exempt individuals from their personal responsibility to behave with respect and courtesy, and, in this regard, peer pressure would certainly be brought to bear.

(iii) The Annual Giving Campaign leadership "kick-off" was graciously hosted, on 22 September 1992, by Mr. Santos, who will chair the 1992-93 campaign.

(iv) A \$15.6 million re-injection into the operating grants of Québec universities had been announced by the provincial government, Dr. Kenniff revealed, of which Concordia is expected to receive approximately \$1.7 million. Allocation of this funding will correspond with "output" criteria, essentially numbers of degrees awarded.

The Rector reminded the Governors of the June resolution of the Board, which objected strongly to a \$15.6 million reduction in universities' budgets, announced by the Minister of Finance in May. Although some governors were concerned at the time that this resolution might aggravate the situation, Dr. Kenniff said the announcement seemed to indicate that the resolution had a positive effect.

As well, \$6.9 million had been received, under the five-year plan for capital investments, for the purchase and renovation of the Loyola High School building and the first phase of the restoration of the facade of the Hall Building.

(v) The Rector declared his wish to recognize, at this, the Chancellor's last Board meeting as titular head of the University, the great dignity which the Honourable Alan B. Gold had brought to Concordia throughout the years of his tenure. (To this, Mr. McNaughton added emphatically, "and humour!") A motion of thanks for Chancellor Gold's distinguished contribution to Concordia was adopted unanimously.

Upon motion duly moved and seconded (Kenniff, Kaminaris), it was unanimously
RESOLVED:

R92-89 THAT the Board express its gratitude to the Honourable Alan B. Gold for serving

as our Chancellor and distinguishing Concordia University with his exceptional wisdom, acquired and cultivated throughout an outstanding career.

12. Reports of the Vice-Rectors

12.1 Dr. Sheinin was absent.

12.2 Dr. Bertrand said he had nothing to report.

12.3 Dr. Cohen informed the Board that the Concordia Shuffle was scheduled to begin at 1:00 p.m. the same day; proceeds would go to the recently established Concordia University Memorial Endowment Fund.

14. Any other business

14.1 Mr. Kaminaris distributed gift copies of a 1992-93 personal agenda published by members of the Commerce and Administration Students' Association.

14.2 Dr. Pallen commented that the Memorial Endowment Fund might have been inadequately publicized. Dr. Cohen responded that he would look into it.

14.3 Ms. Brodrick reminded the Board that Homecoming events were scheduled for 1, 2 and 3 October 1992. She encouraged Governors, especially, to attend the Homecoming Ball at the Ritz Carlton Hotel as a demonstration of solidarity with the University.

14.4 The Chancellor said it was a most agreeable task to pay homage, publicly, to Me Gervais, who was retiring from his position as Chairman of the Board. In his career, Chancellor Gold said, he had not encountered a more talented and dedicated Chairman than Me Gervais; Concordia had been uncommonly fortunate to have had the benefit of his services for five years. On behalf of the Board, Chancellor Gold presented Me Gervais with the Chairman's gavel.

15. Date of next meeting

The next regular meeting of the Board will be held on the evening of Wednesday, [21 October 1992](#), at 7:00 p.m. in the Faculty Dining Room at the Loyola Campus.

16. Adjournment

The Open Session adjourned at 9:30 a.m.

Me Bérengère Gaudet

Secretary of the Board of Governors